

TAX POSSESSION COMMITTEE
DRAFT MINUTES OF MARCH 22, 2006 MEETING
10:00 AM
WESTFORD TOWN HALL

Members present: A. Justin McCarthy; Angela Harkness; Mary L. Caless
Also present: William Mannone; Atty. John Canney; various members of the public and the Affordable Housing Committee; Affordable Housing Committee staff.

A. Justin McCarthy called the meeting to order at 10:07.

At the outset of the meeting AJM explained the Committee's role as custodian of property which has been taken by the Town because of the owner's failure to pay back taxes. The Chair explained that it is not this Committees place, nor does it have the authority to decide what is to be done with various parcels. The Committee can, however, pass on requests for redemption or purchase to the Board of Selectmen along with its own recommendations of properties appropriate for auction.

AJM addressed the Mannone property (4 Prescott Street) discussed at previous meetings. The Town of Westford previously took this property for back taxes. The owner's rights of redemption have been foreclosed. The owner has contacted this Committee and indicated that he wishes to redeem the property. Attorney John C. Canney appeared on behalf of the owner. Canney explained his client's proposal to pay all back taxes, interest, expenses and fees in return for redemption of this property. On questioning by the Chair it became apparent that such payment is still in question however, since Mannone has not yet been able to secure financing. AH pointed out that without knowing that full payment was immediately forthcoming this Committee could not recommend to the Selectmen that the property be redeemed. AJM agreed that the taxpayer must have the ability to pay before the property could be sent on for the selectmen to make a decision on redemption. AJM asked Attorney Canney and his client to come back when the money for payment is in hand. They agreed to do so.

AJM apprised the Committee of a letter received from one Frances Harrison regarding .11 acres (approx. 4000 sq. ft.) abutting his property and presently held in Tax Title by this Committee. Harrison wishes to purchase this property and add it to his lot. AJM explained that in the past this Committee would transfer such a parcel to abutters in order to return it to the tax rolls with a deed restriction insuring that it could never be used to create an additional house lot. Since the bylaw governing the Tax Possession Committee has changed, all such purchases must be voted on and approved by Town Meeting. This letter further underscores the need for the Committee to meet with the Board of Selectmen to establish a new policy regarding the procedure for auction of small parcels. AJM indicated that he would set up a time for this Committee to meet with the Selectmen. The Committee discussed the fact that parcels of less than 5000 square feet should probably be sold at auction with a deed restriction after going through a vetting

process to insure that the Town has no other use for them. A decision on this parcel was deferred to the next meeting.

The Committee then turned to a discussion of 2.7 acres known as 18 Williams Ave. for which approximately 35 abutters and several members of the Affordable Housing Committee, their staff and a representative of Habitat for Humanity had appeared. AJM reiterated the Tax Possession Committee's role as custodian of land taken for taxes and the fact that the Committee has no authority to transfer land absent a vote of Town Meeting. The land in question was taken for taxes many years ago and is under the care, custody and control of the Tax Possession Committee. Elaine Nickerson of the Affordable Housing Committee indicated that her Committee had identified this site as a possible location for affordable housing and had contacted Habitat for Humanity for assistance. Habitat also thought this parcel had potential although neither group was certain if the lot was buildable. Elaine Nickerson stated that the AHC was asking for permission to do testing on the site. On questioning from the Chair it was determined that there was no written proposal for testing although the representative from Habitat explained that testing would include initial surveying, wetlands flagging, outside engineering and perc testing. The AHC group agreed to provide the Tax Possession Committee with a written proposal for testing requested including the names of the testing entities, evidence of insurance, dates, etc. AJM stated that the Tax Possession Committee would be discussing with the Selectmen whether this Committee has the authority to grant permission for testing or if such permission had to come directly from the Selectmen.

There followed an extensive general discussion by the abutters as to specifics of this land that would mitigate against development. Issues raised included the fact that the land had been determined to be too wet many years ago to support development (the supposed reason that the original owner allowed it to be taken for taxes), the fact that the Town might be wasting it's money to pay for such testing because the land is so wet and the fact that the neighbors themselves might want to purchase this land from the Town. The Chair informed the abutters that any individual or group wishing to purchase this or any other tax parcel should make a written proposal to the Tax Possession Committee which would then raise the issue with the Selectmen. The Committee will meet with the Selectmen with regard to the process for handling this and other requests for transfer of tax title land in the future. Determination on the request for permission to do testing and for a recommendation regarding transfer of this land to the AHC was deferred to the next meeting.

The meeting was adjourned at 11:40.

NEXT MEETING APRIL 26, 2006 10:00 AM MARY ATWOOD ROOM